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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,980	01/01/2002	Matthew J. Sherman	2001-0027	2352

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EXAMINER

STEVENS, ROBERTA A

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/045,980	Applicant(s) SHERMAN, MATTHEW J.	
	Examiner Roberta A Stevens	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>60/223993 and 60/230412</u> . |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Texerman (U.S. 2004/0141522 A1).

3. Regarding claim 1, Texerman teaches (page 5, paragraphs 36-38 (*page 3, section 4, 60/230412*)) in a communications environment where multiple instances of diverse access protocols share a communications media, where it is desired that transmission from one instance not collide with transmission from another instance, and each instance of an access protocol has the ability to restrict access to the media for all stations in that instance practicing that protocol, and the stations having the restricting ability can all communicate with the other stations able to restrict access, including: assigning each instance of each access protocol to separate phases occurring in allocated time periods (fig. 1); communicating the allocated time periods for each protocol instance to the stations having the ability to restrict traffic for the protocol instance; restricting access of stations in each protocol instance to only those time periods assigned to that protocol instance (page 7, paragraph 81).

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4. Regarding claim 2, Texerman teaches (fig. 4 (*page 5, section 5, 60/230412*)) using 802.11 DCF in the access protocol for at least one of the phases; enabling the stations transmitting the phase with an ability to restrict access to 802.11 AP's; and restricting access in other phases by stations transmitting in this phase by having 802.11 AP's trigger the transmission of spoofing frames with duration fields set to prevent access by 802.11 stations to the medium in other phases (page 9 paragraphs 102-103)

5. Regarding claim 3, Texerman teaches (fig. 1 (*page 3, section 4, 60/230412*)) practicing the HIPERLAN/2 access protocol in HIPERLAN/2 stations in at least one of the phases.

6. Regarding claim 4, Texerman teaches (page 2, paragraph 14) assembling the spoofing frames transmitted from an 802.11 RTS frame transmitted by the APs, followed by an 802.11 CTS frame transmitted by 802.11 stations.

7. Regarding claim 5, Texerman teaches (page 2, paragraph 14) assembling the spoofing frames transmitted from an 802.11 RTS frame transmitted by the APs, followed by an 802.11 CTS frame transmitted by 802.11 stations, followed by other CTS frames transmitted by APs.

8. Regarding claim 6, Texerman teaches (page 2, paragraph 14) the spoofing frames transmitted consist of a single 802.11 CTS frame transmitted by each of the APs.

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9. Regarding claim 7, Texerman teaches (page 2, paragraph 14) assembling the spoofing frames transmitted from a single 802.11 CTS frame transmitted by each of the APs.

10. Regarding claim 10, Texerman teaches (fig. 4 (*page 5, section 5, 60/230412*)) in a communication environment in which access ports of systems are individually operative at overlapping frequencies in one of two active operative WLAN systems each operating in a common channel each under a different controlling standard, including: establishing a superframe within which contention is substantially eliminated and resolved by: selecting contention periods to accommodate variants of operating standards of the operative WLAN system (fig. 1); and preventing access ports of one standard from transmitting during time periods allotted to access ports of another standard for transmission (page 7, paragraph 81).

11. Regarding claim 11, Texerman teaches (fig. 1 (*page 3, section 4, 60/230412*) and page 5, paragraphs 37-38) establishing transmission for one of the two WLAN systems during a contention period of the other WLAN.

12. Regarding claim 12, Texerman teaches (figs. 1 (*page 3, section 4, 60/230412*) and 2 and page 7, paragraph 81) separating 802.11 CFP intervals from H/2 MAC-frame intervals by a spoofing/blocking frame sequence

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13. Regarding claim 13, Texerman teaches (page 11, paragraphs 125) additional beacons in an 802.11 interval to prevent jitter.

14. Regarding claim 14, Texerman teaches (fig. 1 (*page 3, section 4, 60/230412*)) ending a contention free period for 802.11 after completion of HPERLAN/2 transmission.

15. Regarding claim 15, Texerman teaches (page 11, paragraphs 125) synchronizing superframes by use of a synchronizing beacon.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Texerman in view of Chang (U.S. 5956638).

18. Regarding claim 8, Texerman teaches a superframe structure.

19. Texerman does not teach assigning a start time allowing.

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20. Chang teaches (col. 7, line 65 – col. 8, line 35) assigning start times in superframes. This concept is well known in the art and it would have been obvious to one of ordinary skill in the art to adapt this to Texerman's system to maintain QoS avoiding out of sequence data.

21. Regarding claim 9, Texerman teaches a superframe structure.

22. Texerman does not teach assigning an end time.

23. Chang teaches (col. 7, line 65 – col. 8, line 35) assigning end times in superframes. This concept is well known in the art and it would have been obvious to one of ordinary skill in the art to adapt this to Texerman's system to maintain QoS avoiding out of sequence data.

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Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens
Examiner
Art Unit 2665



STEVEN NGUYEN
PRIMARY EXAMINER